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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : HUART, et al.
Appl. No. : 09/744,733
Filed : January 29, 2001

Title : FRICTION CLUTCH BEARING AN ELECTRIC
MACHINE ROTOR, IN PARTICULAR FOR A MOTOR
VEHICLE

Group Art Unit : 3747
Examiner : DOLINAR, A.
Docket No. : 01200.448

REPLY BRIEF UNDER 37 C.F.R. § 1.193

October 18, 2006

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed August 25, 2006, Appellant respectfully requests the Board of Patent Appeals and Interferences to consider the following additional arguments and reverse the decision of the Examiner in whole.

REMARKS

Regarding claim 1: The Examiner challenged Applicant's interpretation of the position of the second washer of the torsion damper, and alleged that the limitation "installed in the central recess" did not necessarily require that the second guide washer be entirely within the central recess. The Examiner further noted that "the words in a claim are generally not limited in their meaning by what is shown or disclosed in the specification."

While agreeing with Examiner that the pending claims must be given their broadest reasonable interpretation consistent with the specification, we trust that that the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach, as stated in MPEP § 2111. Furthermore, the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004). In other words, "Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say" (MPEP 2111.01).

Contrary to the Examiner's interpretation, the Random House Webster's College Dictionary (1999 Second Random House Edition), defines the word "in" as "used to

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indicate inclusion within space, a place or limits” (underlying added).

Moreover, the broadest reasonable interpretation of the pending claims must be consistent with the specification.” (*In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)). The specification clearly discloses on page 23, lines 34-38 that the second guide washer 30 of the torsion damper 20a is accommodated within the central recess of the reaction plate 4 delimited by the ring 140 and the portions 142 and 38.

Therefore, contrary to the Examiner’s interpretation, the limitation “installed in the central recess” does necessarily require that the second guide washer be within the central recess. As clearly illustrated in Figure 1 of Uchida below, the second washer of the torsion washer of Uchida is installed outside the central recess of the reaction plate 3 because the torsion damper is mounted on the right side of the friction lining support (see particularly the distal end of the second washer of Uchida clearly located outside of the central recess of the reaction plate 3 and axially spaced from the friction face thereof). In fact, none of the washers of the torsion damper of Uchida is installed within the central recess of the reaction plate 3 because the torsion damper is mounted on the right side of the friction lining support.

Regarding claim 4: The Examiner reiterates his position that the inclined portion recited in claim 4, “is defined by the rounded transition area at the innermost part of the peripheral wall defining the recess as shown in Figure 1 of Uchida et al.”

Again, Applicant believes that those skilled in the art would readily recognize that “the rounded transition area at the innermost part of the peripheral wall defining the recess as shown in Figure 1 of Uchida et al.” is called in the mechanical art a fillet. The Dictionary of Mechanical Engineering (1996 G.H.F. Naylor Fourth Edition) defines the word “fillet” as “a radius at the intersection of two surfaces.” In other words, “the rounded transition area” circled by the Examiner in Figure 1 of Uchida and showed in the Examiner’s Answer is not the inclined portion, but the fillet located at the intersection of two surfaces defining the recess, and as such would be interpreted by those skilled in the art.

Moreover, the Random House Webster’s College Dictionary (1999 Second Random House Edition), defines the word “inclined” as “deviating in direction from the horizontal or vertical; sloping”. Clearly, those skilled in the art would not interpret the rounded transition area referred to by the Examiner as slopped.

Therefore, in addition to the above arguments regarding the rejection of claim 1, the Uchida fails to disclose the inclined portion of the reaction plate extended inwardly from the first annular portion and does not meet this standard of anticipation.

Regarding claim 26: The Examiner erroneously alleges that Fig. 1 of Uchida shows areas between the flywheel 3 chignons (field coil 7 and/or stator coil 9) that can be construed as a clearance means to the extent claimed.

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Claim 26 clearly and unambiguously recites the chignons as elements which the stator of the electric machine features in axial projection (not the field coil and/or stator coil, as alleged by the Examiner). Therefore, it is clear that the clearance means between the flywheel and the chignons is in the axial direction. As the stator of Uchida is disposed radially outside of the reaction plate 3, Uchida provides no clearance for chignons of the stator of the electric machine.

Therefore, in addition to the above arguments regarding the rejection of claim 1, the Uchida fails to provide any clearance for chignons of the stator of the electric machine and does not meet this standard of anticipation.

In view of the above reasons, it is respectfully submitted that this application is in condition for allowance, and the rejection of claims of the present invention should be overruled.

Respectfully submitted:
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